

Regular Session, 2009

ACT No. 375

HOUSE BILL NO. 564

BY REPRESENTATIVES ABRAMSON, AUSTIN BADON, BOBBY BADON, BALDONE, BILLIOT, BROSSETT, HENRY BURNS, TIM BURNS, BURRELL, CARTER, CHANEY, FOIL, GISCLAIR, MICKEY GUILLORY, GUINN, HARDY, HAZEL, HENDERSON, HILL, HINES, HOFFMANN, HOWARD, HUTTER, GIROD JACKSON, JOHNSON, ROSALIND JONES, SAM JONES, KATZ, LAFONTA, LEGER, LIGI, PEARSON, PETERSON, POPE, RICHARDSON, RICHMOND, ROY, SMILEY, ST. GERMAIN, STIAES, TEMPLET, THIBAUT, TUCKER, WADDELL, WILLIAMS, AND WILLMOTT AND SENATORS APPEL, BROOME, CROWE, DORSEY, DUPLESSIS, GUILLORY, AND THOMPSON

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

1 AN ACT

2 To enact R.S. 14:46.3, relative to trafficking of children for sexual purposes; to create the
3 crime of trafficking of children for sexual purposes; to provide for definitions; to
4 prohibit the use of certain defenses; to provide for criminal penalties; and to provide
5 for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:46.3 is hereby enacted to read as follows:

8 §46.3. Trafficking of children for sexual purposes

9 A. It shall be unlawful:

10 (1) For any person to knowingly recruit, harbor, transport, provide, sell,
11 purchase, or otherwise obtain a person under the age of eighteen years for the
12 purpose of engaging in commercial sexual activity.

13 (2) For any person to knowingly benefit from participation in a venture
14 which has engaged in activity prohibited by the provisions of this Section.

15 (3) For any parent, legal guardian, or person having custody of a person
16 under the age of eighteen years to knowingly permit or consent to such minor
17 entering into any activity prohibited by the provisions of this Section.

1 B. For purposes of this Section, the following words have the following
2 meanings:

3 (1) "Commercial sexual activity" means any sexual act performed or
4 conducted when any thing of value has been given, promised, or received by any
5 person.

6 (2) "Venture" means any group of two or more individuals associated in fact,
7 regardless of whether or not they are associated in a legal entity.

8 C.(1) Consent of the minor shall not be a defense to a prosecution pursuant
9 to the provisions of this Section.

10 (2) Lack of knowledge of the victim's age shall not be a defense to a
11 prosecution pursuant to the provisions of this Section.

12 (D)(1)(a) Whoever violates the provisions of Paragraphs (A)(1) or (2) of this
13 Section shall be fined not more than fifty thousand dollars, imprisoned at hard labor
14 for not less than fifteen, nor more than fifty years, or both.

15 (b) Whoever violates the provisions of Paragraphs (A)(1) or (2) of this
16 Section when the victim is under the age of fourteen years shall be fined not more
17 than seventy-five thousand dollars and imprisoned at hard labor for not less than
18 twenty-five years nor more than fifty years. At least twenty-five years of the
19 sentence imposed shall be served without benefit of probation, parole, or suspension
20 of sentence.

21 (2) Whoever violates the provisions of Paragraph (A)(3) of this Section shall
22 be required to serve at least five years of the sentence imposed without benefit of
23 probation, parole, or suspension of sentence. Whoever violates the provisions of
24 Paragraph (A)(3) when the victim is under the age of fourteen years shall be required
25 to serve at least ten years of the sentence imposed without benefit of probation,
26 parole, or suspension of sentence.

27 E. No victim of trafficking as defined by the provisions of this Section shall
28 be prosecuted for unlawful acts committed as a direct result of being trafficked.

29 F. The provisions of Chapter 1 of Title V of the Louisiana Children's Code
30 regarding the multidisciplinary team approach applicable to children who have been

1 abused or neglected, to the extent practical, shall apply to the children who are
2 victims of the provisions of this Section.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____